

**MINUTES FOR THE COURT OF APPEAL  
STATE OF CALIFORNIA  
SECOND APPELLATE DISTRICT**

**December 30, 2003**

DIVISION ONE

B167548      People                                  (Not for Publication)  
v.  
Federico Castaneda

The judgment is affirmed.

Spencer, P.J.

We concur: Ortega, J.  
Mallano, J.

B161450      People                                  (Not for Publication)  
v.  
Jose Juan Pulido

The judgment is affirmed.

Spencer, P.J.

We concur: Vogel (Miriam A.), J.  
Mallano, J.

B169799 Oved & Associates Construction Services, Inc. (Not for Publication)  
v.  
Superior Court, Los Angeles County  
(Star Iron Works, Inc., et al., r.p.i.)

The order to show cause is discharged, the stay is vacated, and the petition is denied. Star Iron and the MTA are awarded their costs of these writ proceedings.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.  
Mallano, J.

DIVISION ONE (Continued)

B167780      People      (Not for Publication)

v.  
John D. Story

The judgment is affirmed.

Vogel (Miriam A.), J.

We concur:    Spencer, P.J.  
                 Mallano, J.

B162299      People      (Not for Publication)

v.  
Santana Kelly

The judgment is affirmed.

Vogel (Miriam A.), J.

We concur:    Spencer, P.J.  
                 Mallano, J.

B160823      Citi-Wide Preferred Couriers, Inc.      (Certified for Publication)

v.  
Golden Eagle Insurance Corporation

The judgment (order of dismissal) is reversed and the cause is remanded to the trial court with directions (1) to assign this case to a judge other than the judge to whom it has been assigned (Code Civ. Proc. Section 170.1, subd. (c)), and (2) to set the case back on track for a jury trial. Citi-Wide is awarded its costs of appeal.

Vogel (Miriam A.), J.

We concur:    Spencer, P.J.  
                 Ortega, J.

December 30, 2003 (Continued)

## DIVISION ONE (Continued)

B161363 Singer, et al. (Not for Publication)  
v.  
Minglewood Data Systems, et al.

The judgment (order of dismissal) is affirmed. Jeffrey is awarded his costs of appeal.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.  
Mallano, J.

B161363 Singer, et al. (Not for Publication)  
v.  
Minglewood Data Systems, et al.

The order denying the motion to strike (§ 425.16) is reversed, and the cause is remanded to the trial court with directions (1) to vacate the order denying the motion; (2) enter a new order granting the motion; (3) determine the amount of attorney's fees and costs to which Minglewood is entitled (§ 425.16, subd. (c)), including those incurred in the trial court and on this appeal; and (4) to enter a judgment of dismissal that includes the award of fees and costs. Minglewood is awarded its costs of appeal.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.  
Ortega, J.

B157393      City of Rancho Palos Verdes, et al.      (Not for Publication)  
v.  
Kay

The judgment is affirmed.

Spencer, P.J.

I concur: Mallano, J.  
I concur: Ortega, J. (opinion)

December 30, 2003 (Continued)

## DIVISION ONE (Continued)

B162482      Wishum      (Not for Publication)  
v.  
Long Beach Memorial Hospital

The judgment is affirmed.

Spencer, P.J.

We concur: Ortega, J.  
Mallano, J.

DIVISION THREE

B150292 Roy Al Finance & Loan Company, et al. (Not for Publication)  
v.  
Rastegar & Marten, etc., et al.

The order granting the attorney defendants' special motion to strike is affirmed. The parties shall bear their respective costs on appeal.

Klein, P.J.

We concur:   Kitching, J.  
                      Aldrich, J.

B160812      Los Angeles County, D.C.S.      (Not for Publication)  
v.  
John B.

The jurisdictional order is affirmed. The orders summarily denying the February 7, 2003, and March 17, 2003, section 388 petitions are reversed.

Aldrich, J.

We concur: Klein, P.J.  
Kitching, J.

DIVISION FOUR

B160847      Walders      (Not for Publication)  
v.  
City of Long Beach, et al.

The order sustaining the demurrer without leave to amend, as amended herein, is reversed solely with respect to the state law causes of action in Walders' first amended complaint, and the matter is remanded for further proceedings in accordance with this opinion. The orders of the trial court are otherwise affirmed in all other respects. Appellant is awarded her costs.

Curry, J.

We concur: Epstein, Acting P.J.  
Hastings, J.

B162110      Gaylor                      (Not for Publication)  
v.  
Hobdy

The order of dismissal (judgment) and the order imposing sanctions are reversed. The case is remanded to the superior court for proceedings consistent with this opinion. Appellant is to have her costs on appeal.

Epstein, Acting P.J.

We concur: Hastings, J.  
Curry, J.

B168181 Cherokee, Inc. (Not for Publication)  
v.  
Mossimo, Inc.

The judgment and order are affirmed.

Epstein, Acting P.J.

We concur: Hastings, J.  
Curry, J.

DIVISION FOUR (Continued)

B164412      Cerritos Stephanie Corporation, et al.      (Not for Publication)  
v.  
Fireman's Fund Insurance Company

The judgment is affirmed.

Epstein, J.

We concur:    Vogel (C.S.), P.J.  
Hastings, J.

B167640      Los Angeles County, D.C.S.      (Not for Publication)  
v.  
Diorry K.

The order terminating parental rights and placing Kimberly m. for adoption  
is affirmed.

Curry, J.

We concur:    Epstein, Acting P.J.  
Hastings, J.

B162160      People      (Not for Publication)  
v.  
Avila

The judgment is affirmed.

Curry, J.

We concur:    Vogel (C.S.), P.J.  
Hastings, J.

December 30, 2003 (Continued)

## DIVISION FOUR (Continued)

B162432 People (Not for Publication)  
v.  
Knapp

The judgment is affirmed.

Curry, J.

We concur: Epstein, Acting P.J.  
Hastings, J.

B162827 People (Not for Publication)  
v.  
Small

The judgment is affirmed.

Curry, J.

We concur: Epstein, Acting P.J.  
Hastings, J.

B164513 People (Not for Publication)  
v.  
Christensen

The judgment is affirmed.

Curry, J.

We concur: Epstein, Acting P.J.  
Hastings, J.

December 30, 2003 (Continued)

## DIVISION FOUR (Continued)

B163805      Johnson                      (Not for Publication)  
v.  
Nadir

The portion of the November 7, 2003 order denying nadir's anti-SLAPP motion is affirmed; the portion of the November 7, 2002 order awarding Johnson \$145 in costs is reversed and the matter remanded for proceedings consistent with this opinion. Johnson to recover her costs on this appeal (Rule 27(a)(3), Cal. Rules of Court)

Vogel (C.S.), P.J.

We concur: Hastings, J.  
Curry, J.

B163931 People (Not for Publication)  
v.  
Watson

The judgment is affirmed.

Curry, J.

We concur: Vogel (C.S.), P.J.  
Hastings, J.

B163697 People (Not for Publication)  
v.  
Yanez

The judgment is affirmed.

Curry, J.

We concur: Vogel (C.S.), P.J.  
Hastings, J.



DIVISION FOUR (Continued)

B164169      Stolman      (Certified for Publication)

v.  
City of Los Angeles

We reverse the judgment. The trial court is directed to grant Stolman's petition for a writ of mandamus and require that the zoning administrator vacate her order awarding a variance. Appellant is awarded costs on appeal.

Vogel (C.S.), P.J.

We concur:   Epstein, J.  
                     Curry, J.

B157801      Wells

v.  
Dailey et al.

Filed order denying petition for rehearing.

B163308      People

v.  
Cazares

Filed order denying petition for rehearing.

DIVISION FIVE

B163958      People      (Not for Publication)

v.  
Alex Sanchez

The judgment is affirmed.

Armstrong, J.

We concur:   Grignon, Acting P.J.  
                     Mosk, J.

December 30, 2003 (Continued)

## DIVISION FIVE (Continued)

B164278      People      (Not for Publication)  
v.  
Derrick Carter

The judgment is affirmed.

Armstrong, J.

We concur:   Turner, P.J.  
                      Grignon, J.

B157492      John D. Williams                      (Not for Publication)  
v.  
Karen D. Sparks, et al.

The appeal is dismissed.

Armstrong, J.

We concur:   Turner, P.J.  
                      Grignon, J.

B167189      People      (Not for Publication)  
v.  
Eric Hamilton

The judgment is reversed.

Mosk, J.

We concur:   Turner, P.J.  
                      Armstrong, J.

DIVISION SIX

B166830     Human Services Agency     (Not for Publication)  
              v.  
              Luis C., et al.

The orders denying father's section 388 petition and terminating parental rights for both parents are affirmed.

Coffee, J.

We concur:    Gilbert, P.J.  
                      Yegan, J.

B166996     Riley                                     (Not for Publication)  
              v.  
              County of Ventura  
              Riley

The judgment (order) is affirmed. Costs are awarded to respondent.

Gilbert, P.J.

We concur:    Coffee, J.  
                      Perren, J.

B163109     People                                     (Not for Publication)  
              v.  
              Roberge

The judgment is affirmed.

Coffee, J.

We concur:    Yegan, Acting P.J.  
                      Perren, J.

## December 30, 2003 (Continued)

## DIVISION SEVEN

B158321 People (Not for Publication)

$$\mathbf{V}_i$$

Brisco and Henry

The judgment is affirmed.

Johnson, Acting P.J.

We concur: Woods, J.

Zelon, J.

B166115      K.S., a minor      (Not for Publication)

 $\mathbf{V}_i$ 

Stewart

The appeal is dismissed. Respondent is entitled to recover her costs on appeal.

Johnson, Acting P.J.

We concur: Woods, J.

Zelon, J.

B164999      Royal Surplus Ins. Co.      (Not for Publication)

V.

$$Y_i$$

The judgment is reversed. Appellant(s) to recover costs.

Johnson, J.

We concur: Perluss, P.J.

Woods, J.

B160534 People v. Rivas (Not for Publication)

B165104      In Re Rivas on Habeas Corpus

The judgment is affirmed. The petition for writ of habeas corpus is denied.

Johnson, Acting P.J.

We concur: Woods, J.

Zelon, J.